

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Madeleine Ayer	Team: Squad #13	CCRB Case #: 201903530	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/24/2019 5:00 PM	Location of Incident: In front of Trump Tower	Precinct: 18	18 Mo. SOL 10/24/2020	EO SOL 6/10/2021	
Date/Time CV Reported Wed, 04/24/2019 5:38 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 04/24/2019 5:38 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Matthew Hunsucker	10120	952870	C R C
2. POM Kevin Mccaffrey	27107	953080	C R C

Officer(s)	Allegation	Investigator Recommendation
A.POM Kevin Mccaffrey	Abuse: Police Officer Kevin Mccaffrey refused to provide his name to § 87(2)(b)	
B.POM Kevin Mccaffrey	Abuse: Police Officer Kevin Mccaffrey refused to provide his shield number to § 87(2)(b)	
C.POM Matthew Hunsucker	Abuse: Police Officer Matthew Hunsucker refused to provide his name to § 87(2)(b)	
D.POM Matthew Hunsucker	Abuse: Police Officer Matthew Hunsucker refused to provide his shield number to § 87(2)(b)	

Case Summary

On April 24, 2019, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On April 24, 2019, at 5:00 p.m., § 87(2)(b) observed an individual harassing passerby in support of President Trump in front of Trump Tower, located at 725 5th Avenue in Manhattan. § 87(2)(b) reported the incident to Police Officer Kevin McCaffrey and Police Officer Matthew Hunsucker of the Critical Response Command, who were stationed outside Trump Tower. § 87(2)(b) who was alone, asked PO McCaffrey and PO Hunsucker for their names and shield numbers, which the officers allegedly refused to provide (**Allegations A – D: Abuse of Authority**, § 87(2)(g) No arrest or summons resulted from this incident.

Neither officer was equipped with a Body Worn Camera at the time of the incident. There is no video evidence in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Kevin McCaffrey refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Kevin McCaffrey refused to provide his shield number to § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Matthew Hunsucker refused to provide his name to § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Matthew Hunsucker refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that he observed a man on the sidewalk in front of Trump Tower harassing passerby by shouting things in support of President Trump and cursing in Spanish. § 87(2)(b) approached two officers standing outside of Trump Tower who were identified by the investigation as PO McCaffrey and PO Hunsucker (**Board Review 01**). § 87(2)(b) asked the officers to speak with the protestor. PO McCaffrey refused to speak to the protestor and told § 87(2)(b) that he liked the man's message. § 87(2)(b) asked PO McCaffrey and PO Hunsucker for their names and shield numbers. PO McCaffrey told § 87(2)(b) that he did not have to provide that information to § 87(2)(b) and PO Hunsucker ignored § 87(2)(b) request (**Board Review 02**).

Neither PO McCaffrey and PO Hunsucker recalled the incident, but testified they were familiar with the man outside of Trump Tower who voiced support of President Trump. Each officer denied refusing to provide his name or shield number to anyone. (**Board Review 03, Board Review 04**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the second CCRB complaint to which § 87(2)(b) has been a party (**Board Review 05**).
 - § 87(2)(b)
- PO McCaffrey has been a member of the NYPD for 7 years. This is the second CCRB complaint to which he has been a subject.
 - Case 201507317 involved a substantiated allegation of refusal to provide name and shield number, and a substantiated allegation of ‘abuse – other’ (interference of a civilian’s ability to record the incident). The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
- PO Hunsucker has been a member of the NYPD for 7 years. This is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- On September 5, 2019, the case was sent to mediation. On October 28, 2019, the case was returned to investigation upon the request of § 87(2)(b)
- As of November 20, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (**Board Review 06**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------